

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6383

BILL NUMBER: SB 326

DATE PREPARED: Dec 3, 2000

BILL AMENDED:

SUBJECT: Statute of Limitations for Rape.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: X **GENERAL**
X **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill extends the period within which a prosecution for rape or criminal deviate conduct must be commenced from five years to 20 years after the commission of the offense. It also eliminates a cross-reference to former provisions of the child molesting statute. (The statute of limitations for offenses committed under the former provisions has run.)

Effective Date: July 1, 2001.

Explanation of State Expenditures: If convictions occur due to these new prosecutions, more offenders may be incarcerated. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807.

If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists on the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

Explanation of State Revenues:

Explanation of Local Expenditures: The costs associated with this bill will depend on how often evidence concerning unsolved rape cases becomes available and also how often prosecuting attorneys decide to prosecute rape and criminal deviate conduct cases that are over five years old. The criminal defendant may also wish to have evidence preserved from a crime scene analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant or by the county if the defendant is indigent.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial Courts, Prosecuting Attorneys.

Information Sources: Steve Johnson, Indiana Prosecuting Attorneys Council; Eric Lawrence, Director of Forensic Analysis, Indiana State Police, 1999 Indiana State Police Annual Report.